

SUMMARY OF FINAL DECISIONS ISSUED BY THE TRADEMARK TRIAL AND APPEAL BOARD
September 8-12, 1997

Date Issued	Type of Case(1)	Proceeding or Appn. No.	Party or Parties	TTAB Panel(2)	Issue	TTAB Decision	Opposer's or Petitioner's Mark and Goods or Services	Applicant's or Respondent's Mark and Goods or Services	Mark and Goods Cited by Examining Attorney	Examining Attorney	Citable as Precedent of TTAB
9-9	EX	74/319,375	Nanao U.S.A. Corp.	Cissel Hanak Hohein*	whether applicant's specimens demonstrate use of its mark on the goods as originally identified in its application; whether applicant's proposed amendment to its identification of goods is within the scope of the original identification	Refusal Affirmed		"FLEXCOLOR" [cathode ray tube (CRT) monitors for computers and television sets]		Moorhead	No
9-9	OPP	93,383	Bose Corp. v. Kaman Music Corp.	Sams Cissel* Hohein	2(e)(1) [genericness / mere descriptive-ness]	Opposition Sustained (on ground of mere descriptive-ness)		"DYNAMIC CORRECTION" [electronic sound correction devices forming a part of a guitar]			No

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(2) *=Opinion Writer; (D)=Dissenting Panel Member

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9-9	OPP	92,916	Hayes Micro-computer Products, Inc. v. Archtek America Corp.	Sams Simms* Hohein	2(e)(1); 2(e)(2); ownership	Opposition Dismissed		"SMARTLINK" [computer peripherals, namely, modems for computers, and computer modem operating software and manuals sold as a unit for use in the field of telecommunications]			No
9-11	EX	74/527,928	Kids Count Entertainment, Inc.	Simms* Cissel Hairston	2(d)	Refusal Affirmed		"KIDS COUNT" [gift and party supplies made of paper; stationery and school supplies]	"KIDS COUNT" [educational services, namely, providing in-class incentives to grade school students to demonstrate excellence in problem-solving activities in the field of math through the issuance of awards]	Slonim	No
9-11	EX	74/514,564	Servistar Corp.	Hohein* Hairston Walters	2(d)	Refusal Affirmed		"RENTER CENTER" [rental of hand power tools to the home market]	"RENTCENTER" (and design) [rental of power and hand tools, concrete mixers, tractors, air compressors, builders' and contractors' equipment, and trailers]	Le	No

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9-11	EX	74/475,911	Dirck Hecking	Sams Simms Hairston*	2(d)	Refusal Affirmed [but only as to registration for "STAR-SHIP TRANSPORTATION INC. (and design)]		"STARSHIP AIRLINES" [air transportation of persons]	"STARSHIP TRANSPORTATION INC." (and design) [freight transportation services, namely, transportation of goods of others by land and air; truck transportation services]; "STARSHIP" (and design) [airplanes and structural parts therefor]; "STAR/SHIP ATLANTIC," "STAR/SHIP MAJESTIC," and "STAR/SHIP OCEANIC" [all three marks for transportation of passengers by boat]	Kline	No

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9-11	EX	74/361,830	L. Perrigo Co.	Seeherman Hohein Walters*	whether the specimens submitted with statement of use show a mark that is materially different from the mark in connection with which the notice of allowance was issued (thus rendering the proposed amended drawing unacceptable)	Refusal Affirmed		"CONFIRMED RELEASE" (and design) [dietary supplements]		Micheli	No

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9-12	EX	74/610,551	Societe d'Importation de Diffusion ou Distribution d'Articles de Sport S.I.D.A.S.	Cissel* Hohein Hairston	whether the mark in applicant's proposed amended drawing—offered to conform to the requirements of Sec. 44—is a material alteration of the mark shown in the drawing originally filed	Refusal Affirmed		“PODITECH” [orthopedic soles and shoes] [the proffered amended drawing showed the mark “PODIATECH”]		Michos	No
9-12	EX	74/682,500	Cardinal Business Media, Inc.	Quinn Hohein* Hairston	2(d)	Refusal Affirmed		“ONSTAGE” [directories of goods and services particular to the live performance industry]	“AT&T: ONSTAGE” (in stylized lettering) [entertainment services, namely, the sponsorship, promotion and presentation of live theatrical shows, live dance shows and live musical performances]	Mays	No

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